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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

COLLEGENET, INC.,

Plaintiff,

v.

APPLYYOURSELF, INC.,

Defendant.

No. 02-cv-484-HU (LEAD CASE)
02-cv-1359-HU

**UNOPPOSED RENEWED MOTION
TO VACATE INTERLOCUTORY
ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY
BASED ON COLLATERAL
ESTOPPEL AND TO ENTER
AGREED CONSENT JUDGMENT**

By Plaintiff CollegeNET, Inc.
Pursuant to Fed. R. Civ. P. 54(b) and
60(b)(5)

1- COLLEGENET'S UNOPPOSED RENEWED
MOTION TO VACATE AND TO ENTER AGREED
CONSENT JUDGMENT

43081-0016/LEGAL16348179.1

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Plaintiff CollegeNET, Inc. respectfully renews its May 11, 2009 motion to vacate the Order granting Defendant's Motion for Summary Judgment of Invalidity Based on Collateral Estoppel [Dkt. No. 697] and to enter the agreed Consent Judgment submitted to this Court on April 21, 2009 [Dkt. No. 720] in its current form. This motion is supported by a separately filed Memorandum and the Declaration of Scott D. Eads with Exhibit A attached thereto. This renewed motion is based upon an Order issued by Judge Brown on June 9, 2009 vacating the Judgment in the Xap case which provided the basis for the Summary Judgment Order sought to be vacated here.

Pursuant to Local Rule 7.1, the Parties have conferred and Defendant ApplyYourself takes no position on this motion.

DATED: June 10, 2009.

Respectfully submitted,

PERKINS COIE LLP

/s/ Scott D. Eads

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2- COLLEGENET'S UNOPPOSED RENEWED
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